

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiffs,

v.

DIPAK DESAI, M.D.,

Defendant.

2:11-CR-0166-LRH-CWH

ORDER

Before the court is defendant Dipak Desai's ("Desai") motion for accommodation. Doc. 77.<sup>1</sup>

Desai is an inmate currently incarcerated at the Northern Nevada Correctional Center ("NNCC") serving a state sentence. The NNCC serves as the regional medical facility for the Nevada Department of Corrections ("NDOC") and houses inmates with medical issues. Desai is housed in NNCC because he has suffered from a number of neurological events since 2007.

Desai is also currently under indictment in the present action. As part of the present federal case, Desai has expressed a desire to change his plea to guilty. *See* Doc. #77. To accommodate his change of plea, Desai filed the present motion seeking to have his change of plea hearing and subsequent sentencing hearing conducted in Reno, Nevada, rather than in Las Vegas, Nevada, so that he may continue to be lodged at NNCC during the pendency of this action to ensure continuity in his medical care. *Id.*

<sup>1</sup> Refers to the Court's docket number.


1           The court has reviewed the documents and pleadings on file in this matter and finds that  
2 good medical cause exists to grant Desai's motion for accommodation and hold both the change of  
3 plea hearing and subsequent sentencing in Reno, Nevada. Since 2007, the sixty-five year old Desai  
4 has suffered from a series of serious neurological traumas which now require continuing treatment  
5 at NNCC. These traumas include (1) a right-sided venous stroke; (2) a left-sided arterial stroke; (3)  
6 a transient ischemic attack; and (4) a multi-focal ischemic stroke in the left cerebral hemisphere.  
7 Desai also suffers form cardiovascular disease and other health ailments, including some  
8 continuing mental impairment.

9           Pursuant to stipulation by the government and Desai in May 2014, the court ordered that  
10 Desai be examined for purposes of competency to stand trial pursuant to Title 18 U.S.C. § 4241.  
11 That examination was completed by the Federal Bureau of Prisons in late July 2014 and concluded  
12 that Desai was competent to stand trial although he suffers from memory and cognitive impairment.  
13 Now that Desai intends to plead guilty, it is expected that a lengthy canvassing of Desai will be  
14 necessary for purposes of his guilty plea and that an interpreter in his native language of Gujarati  
15 will be necessary to assist communication with him at the plea hearing. At the conclusion of the  
16 canvass of Desai and the entry of the perspective guilty plea it will be necessary for the court to be  
17 able to reach findings that Desai is competent and capable of entering an informed guilty plea, that  
18 he is aware of the nature of the charge against him as well as the consequences of his guilty plea,  
19 and that his guilty plea is a knowing and voluntary plea supported by an independent factual basis  
20 containing all of the essential elements of the offense to which he is pleading. Those determinations  
21 can only be made after a lengthy and successful canvass of Desai.

22           As NNCC is Desai's treating medical center and is only 35 miles from the federal  
23 courthouse in Reno, the court finds that holding both the change of plea and sentencing hearings in  
24 Reno is appropriate. Therefore, the court shall grant Desai's motion and hold his change of plea  
25 hearing and any subsequent sentencing hearing at the federal courthouse in Reno.

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DATED this 3rd day of March, 2015.

  
LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE